

264 AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF JAMES CITY, VIRGINIA, HELD ON THE 23RD DAY OF JULY, NINETEEN HUNDRED NINETY-SIX, AT 5:07 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman, Roberts District
Robert A. Magoon, Jr., Vice Chairman, Jamestown District (Absent)

Jack D. Edwards, Berkeley District
Perry M. DePue, Powhatan District
Stewart U. Taylor, Stonehouse District
Sanford B. Wanner, Acting County Administrator
Frank M. Morton, III, County Attorney

B. WORK SESSION

1. Cross Connection and Water Conservation Ordinances, James City Service Authority

Mr. Sisk called the meeting to order and welcomed Mr. Robert Smith, Assistant General Manager, and Mr. James Dawson, Civil Engineer I of the James City Service Authority. Mr. Dawson explained cross connection control and backflow prevention, the Water Conservation and Drought Management Plan and the Withdrawal Impact Mitigation Plan. He stated that the items would be brought forward as public hearings at the August 13, 1996, Board of Supervisors' meeting.

The Board requested that the public be made aware of and the reason for these ordinances.

Mr. Sisk recessed the Board for dinner at 6:00 p.m.

C. PRESENTATION - Andy Bradshaw

Mr. Andy Bradshaw, Director of the Farmer's Market, expressed appreciation to the Board for its support of July Buy Local Produce Month as Sammy, Josh and Amy Jeffords of Stonehouse District distributed baskets of fresh fruit and vegetables to the Board members and Acting County Administrator.

**D. MINUTES - July 8, 1996 - Special Meeting
July 9, 1996 - Regular Meeting**

Mr. Sisk asked if there were additions or corrections to the minutes.

Mr. Sisk made a motion to approve the two sets of minutes.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

E. HIGHWAY MATTERS

No Virginia Department of Transportation representative was in attendance.

Mr. DePue asked for the name of the person for the contractor of the Route 199 project to contact regarding citizen complaints of smoke from burning debris.

Richard Miller, Fire Chief, stated that his office would provide the name to the Board.

F. CONSENT CALENDAR

Mr. Sisk asked if a Board member wished to remove any items from the Consent Calendar.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

1. Resolution of Commendation, Patrick G. Duffeler**RESOLUTION OF COMMENDATION****PATRICK G. DUFFELER**

WHEREAS, this year marks the 10th anniversary of the National Entrepreneur of the Year Program, and the Virginia program is one of 45 Nationwide; and

WHEREAS, Patrick G. Duffeler, President and Founder of the Williamsburg Winery, Ltd., has been chosen Entrepreneur of the Year in Virginia for 1996 in the Consumer Products and Services Category; and

WHEREAS, Patrick G. Duffeler has distinguished himself and the Williamsburg Winery through his dedication to quality and excellence.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby commends Patrick G. Duffeler on his personal and professional accomplishments and wishes him continued success.

2. Creation of Limited-Term Positions, Secretary, Coordinator, and Criminal Justice Planner**RESOLUTION****COLONIAL COMMUNITY CORRECTIONS POSITIONS****SECRETARY, COORDINATOR, AND CRIMINAL JUSTICE PLANNER**

WHEREAS, Colonial Community Corrections (CCC) has received funding from the Department of Criminal Justice Services to hire a full-time Secretary and a part-time Case Coordinator; and

WHEREAS, the localities served by CCC have received a grant awarded through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program of the Department of Criminal Justice Service to hire a full-time Criminal Justice Planner; and

WHEREAS, James City County is the fiscal agent for Colonial Community Corrections.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, authorizes the creation of the limited-term positions of full-time Secretary, part-time Case Coordinator, and full-time Criminal Justice Planner.

3. Dedication of Streets in Toano Woods

RESOLUTION

DEDICATION OF STREETS IN TOANO WOODS

WHEREAS, the streets described on the attached Additions Form SR-5(A), fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of James City County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the County and the Virginia Department of Transportation have entered into an agreement on November 1, 1993, for comprehensive stormwater detention which applies to this request for addition.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby requests the Virginia Department of Transportation to add the streets described on the attached Additions Form SR-5(A) to the secondary system of State highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

4. Local Emergency, July 12-13, 1996

RESOLUTION

LOCAL EMERGENCY

WHEREAS, the Board of Supervisors of the County of James City, Virginia, does hereby find that on July 12, 1996, James City County faced potential heavy property damage and threats to the life and safety of its citizens due to Hurricane Bertha; and

WHEREAS, James City County opened a shelter for the evacuation of persons within the County; and

WHEREAS, the State of Emergency was lifted on July 13, 1996.

NOW, THEREFORE, BE IT PROCLAIMED AND ORDERED that the Board of Supervisors of James City County, Virginia, confirms the declaration of an emergency on July 12, 1996, by the James City County Director of Emergency Services.

IT IS FURTHER PROCLAIMED AND ORDERED that the State of Emergency was lifted on July 13, 1996, by the James City County Director of Emergency Services.

5. Williamsburg Landing, Industrial Development Authority Revenue Bonds

RESOLUTION

ISSUANCE APPROVAL FOR WILLIAMSBURG LANDING, INC., 1996 BOND ISSUE

WHEREAS, Williamsburg Landing, Inc., (the "Borrower") has requested the Industrial Development Authority of the County of James City, Virginia, (the "Authority") to issue bonds in the form of revenue bonds (the "1996 Bonds") in an amount not to exceed \$51,500,000 to: 1) finance the cost of constructing and equipping an expansion and renovation (the "Project") of a facility for the residence and care of the aged known as Williamsburg Landing, located at 5700 Williamsburg Landing Drive, Williamsburg, Virginia, in James City County, Virginia (the "Facility"); and, 2) refund up to \$24,140,000 in outstanding principal amount of the Authority's Retirement Community Refunding Revenue Bonds (Williamsburg Landing, Inc.), Series 1987 (the "1987 Bonds"); and

WHEREAS, the 1987 Bonds were issued to refund the Authority's \$36,250,000 Retirement Community First Mortgage Gross Receipts Bonds (Williamsburg Landing, Inc.), Series 1984, which bonds were issued to finance the original costs of acquiring, constructing, and equipping the Facility; and

WHEREAS, on June 13, 1996, the Authority held a public hearing on the issuance of the 1996 Bonds and the financing of the Project and the refunding of the 1987 Bonds; and

WHEREAS, the Authority has requested the Board of Supervisors of James City County, Virginia, (the "Board"), to approve the issuance of the 1996 Bonds and the financing of the Project to comply with Section 15.1-1378.1 of the Code of Virginia of 1950, as amended (the "Act"), and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, a copy of the Authority's resolution adopted on June 13, 1996, approving the issuance of the 1996 Bonds, a fiscal impact statement and a reasonably detailed summary of the comments made at the public hearing, have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia that:

1. The Board hereby approves the issuance of the 1996 Bonds by the Authority for the benefit of the Borrower to the extent required by Section 15.1-1378.1 of the Act and Section 147(f) of the Code, to permit the Authority to assist in the financing of the Project and the refunding of the 1987 Bonds.
2. The approval of the issuance of the 1996 Bonds does not constitute an endorsement of the 1996 Bonds or the creditworthiness of the Borrower and, as required by Section 15.1-1380 of the Code of Virginia of 1950, the 1996 Bonds shall provide that the 1996 Bond shall not be a debt of James City County, the Commonwealth of Virginia, or any political subdivision thereof (other than a limited obligation of the Authority) and

neither the County nor the Commonwealth or any political subdivision thereof shall be liable thereon, nor in any event shall the 1996 Bonds be payable out of any funds or properties other than those of the Authority pledged specifically therefor.

3. All acts of the officers and members of the Board that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved, ratified, and confirmed.
4. This resolution shall take effect immediately upon its adoption.

Mr. Sisk presented a Resolution of Commendation to Mr. Patrick G. Duffeler, President and Founder of Williamsburg Winery, Ltd.

Mr. Duffeler thanked the Board and the community for their support.

G. PUBLIC HEARINGS

1. Case Nos. SUP-9-95 AND Z-1-95, Williamsburg Crossing Master Plan Amendment

Mr. Matthew W. Maxwell, Senior Planner, stated that Mr. Calvin Davis of University Square Associates had applied for a special use permit to amend the Master Plan for the Williamsburg Crossing Shopping Center and rezone from B-1, General Business, to MU, Mixed Use, further identified as Parcel No. (1-1) on James City County Real Estate Tax Map No. (48-1).

Mr. Maxwell further stated that the applicant had requested deferral until further requested by the applicant. Staff concurred with that request.

Board and staff discussed scheduling a work session to discuss traffic study and impact of development on Route 199.

Mr. Sisk opened the public hearing.

Without objection, Mr. Sisk deferred the cases indefinitely and continued the public hearing.

2. Case No. SUP-23-96, Thompson Family Subdivision

Mr. John Patton, Development Management Technician, stated that John F. Jr., and Barbara J. Thompson have applied for a special use permit to allow a family subdivision of a 3.245-acre parcel of land into two parcels less than three acres in size in A-1, General Agricultural, located at 4477 Centerville Road, further identified as Parcel No. (1-11D) on James City County Real Estate Tax Map No. (36-2).

Staff determined that the proposal was consistent with the Comprehensive Plan and surrounding zoning and development and recommended approval with a condition listed in the resolution.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION

CASE NO. SUP-23-96. THOMPSON FAMILY SUBDIVISION

WHEREAS, it is understood that all conditions for the consideration of an application for a special use permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the placement of a manufactured home on property owned and developed by the applicant as described below and on the attached site location map.

Applicant:	John F. Jr., and Barbara J. Thompson
Real Estate Tax Map ID;	(1-11D)
Parcel No:	(36-2)
Address:	4477 Centerville Road
District:	Powhatan
Zoning:	A-1, General Agricultural
Conditions:	1. Final subdivision approval shall be secured within 18 months from the date of approval of Case No. SUP-23-96.

3. Case No. Sup-20-96, Louise White Marsh Replacement Manufactured Home

Mr. Patton stated that Ms. Louise White Marsh had applied for a special use permit to allow replacement of a manufactured home in R-2, General Residential, located at 112 Ron Springs Drive, further identified as Parcel No. (2-7) on James City County Real Estate Tax Map No. (59-1).

He further stated that nonconforming manufactured homes may be replaced upon issuance of a special use permit and the placement met the Administrative Guidelines for Placement of Manufactured Homes. He stated that Ms. Marsh had requested an amendment to Condition 1 of the resolution to allow two years from date of approval for special use permit to be exercised.

Staff recommended approval with conditions listed in the resolution.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the amended resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTIONCASE NO. SUP-20-96. LOUISE WHITE MARSHREPLACEMENT MANUFACTURED HOME

WHEREAS, it is understood that all conditions for the consideration of an application for a special use permit have been met.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of James City County, Virginia, that a special use permit be granted for the replacement of a manufactured home on property owned and developed by the applicant's father as described below and on the attached site location map.

Applicant:	Louise White Marsh
Real Estate Tax Map ID;	(59-1)
Parcel No:	(2-7)
Address:	112 Ron Springs Drive
District:	Roberts
Zoning:	R-2, General Residential
Conditions:	<ol style="list-style-type: none"> 1. This permit shall be valid only for the manufactured home described in the application. If the manufactured home is removed, this permit shall become void. Any replacement shall require a new permit from the Board of Supervisors. If the permit is not exercised, it shall become void one year from the date of approval. 2. The manufactured home shall be skirted and meet the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standard. 3. The manufactured home shall be connected to public sewer and water. 4. The manufactured home currently existing on the property shall be removed prior to placement of the new unit. 5. The applicant shall provide a landscaping and screening plan that meets, at a minimum, the standard landscaping plan outlined in the Administrative Guidelines for Placement of Manufactured Homes. The plan shall be

submitted and approved by the Planning Director prior to occupancy.

6. The landscaping as shown on the approved landscaping and screening plan shall be installed by November 30, 1996.

4. Special Warranty Deeds for Conveyance of Property and Easement to James City Service Authority

Mr. Frank M. Morton, III, County Attorney, stated that authorization was requested to convey five deeds of parcels and easements from the County to the James City Service Authority for continued provision of water and sewer services. He recommended approval of the resolution.

Mr. Sisk opened the public hearing, and as no one wished to speak, he closed the public hearing.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION

DEEDS TO CONVEY PROPERTY AND EASEMENTS TO

JAMES CITY SERVICE AUTHORITY

WHEREAS, James City County received certain property for water and sewer utility purposes commonly known as: 220 Walker Drive, 120 Carriage Road, and 7883 Richmond Road; and

WHEREAS, James City County received certain easements for the purpose of providing water and sewer utility services in lands commonly referred to as: 7213 Merrimac Trail and 8508 Pocahontas Trail; and

WHEREAS, the Board of Supervisors of James City County following a public hearing held on July 23, 1996, is of the opinion that it is in the public interest to convey the properties and easements to James City Service Authority for the provision of water and sewer services.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, that David L. Sisk, Chairman of the Board of Supervisors, is hereby authorized and directed to execute Special Warranty Deeds conveying the above-referenced properties and easements to the James City Service Authority.

H. **BOARD CONSIDERATIONS**

1. Ordinance Amendment, Chapter 6, Fire Protection, Section 6-11, False Alarms, Penalty (Deferred from 7/9/96)

Mr. Richard M. Miller, Fire Chief, stated that the proposed ordinance would impose a \$100 fee for all false fire alarms in excess of three over a 30-day period, to reduce the number of responses to false fire alarms.

Staff recommended approval.

Mr. Edwards made a motion to approve the ordinance.

On a roll call, the vote was: AYE: DePue, Edwards, Sisk (3). NAY: Taylor (1).

2. Courthouse/Agreement and Agreement for Deed of Correction

Mr. Morton stated that agreement by staff and C. C. Casey Limited Company had been reached for relocation of site of proposed Courthouse. He explained that the County acquired a 10-acre site on the northerly side of Monticello Extended at its intersection with Ironbound Road, and the Courthouse competition process recommended the site be shifted to the southerly side of that intersection.

Staff recommended approval of the resolution authorizing execution of the Agreement.

Discussion regarding the need of and time frame for providing 600 parking spaces followed. Staff advised the parking spaces would be shared by the Courthouse, church and office buildings.

Mr. DePue made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION

COURTHOUSE/AGREEMENT AND AGREEMENT FOR

DEED OF CORRECTION

WHEREAS, the Board of Supervisors and C. C. Casey Limited Company ("Casey") are desirous of entering into an Agreement and Agreement for Deed of Correction dated July 23, 1996.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby authorizes and directs the Chairman and Clerk to the Board to execute the agreement for the Courthouse and Agreement for Deed of Correction.

3. Architect for County Courthouse

Mr. John E. McDonald, Manager of Financial and Management Services, stated that Jorge L. Hernandez and Francis Lyn, winners of the courthouse design competition had formed a joint venture with The Moseley McClintock Group in Richmond, and submitted a design contract for a 65,000 square foot building and related parking and site work.

Board and staff discussion followed regarding total contract fees and in particular the reimbursable travel expenses.

Staff recommended approval.

Mr. Edwards made a motion to approve the resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION

AWARD OF ARCHITECT CONTRACT FOR THE NEW COURTHOUSE

WHEREAS, James City County held a design competition for the purpose of selecting an architect and design concept for the new courthouse; and

WHEREAS, Jorge L. Hernandez and Francis Lyn of Miami, Florida won the competition; and

WHEREAS, they have formed a joint venture with The Moseley McClintock Group of Richmond, Virginia.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of James City County, Virginia, awards the architect and engineering contract for design of the courthouse to Jorge L. Hernandez, Architect & Francis Lyn and The Moseley McClintock Group, A Joint Venture based on the following negotiated fee schedule:

Basic Fee

Building	\$ 700,000
Sitework	114,840
Reimbursable Travel Expenses	29,600
Cost Consultant	18,000

Optional Additional Services

Interior Design Services, Acoustics and Lighting Consultants	83,800
Construction Management	<u>162,000</u>
Potential total fees	<u>\$1,108,240</u>

4. Little Creek Reservoir Park

Mr. Anthony Conyers, Jr., Manager of Community Services, stated that staff determined that the Little Creek Reservoir Park renovation project be postponed and the May 22, 1996, bids rejected. He further stated that staff proposed that the local funds of \$145,858 for the Little Creek Reservoir Park renovation project be reappropriated toward the Warhill tract purchase and proceed with proposed funding plan for the District Park.

Staff recommended no action be taken.

Discussion by Board and staff regarding the extension of the Little Creek Reservoir Park project ensued and the need for a work session to discuss funding of Warhill purchase was indicated.

I. **PUBLIC COMMENT**

1. Col. James Schmidt, 2700 Treyburn Drive, expressed concern for increased traffic on Monticello Avenue with Courthouse development.

Mr. John T. P. Horne, Manager of Development Management, stated a traffic study of Monticello Avenue/Treyburn Drive would be completed prior to construction of the courthouse.

2. Mr. Ed Oyer, 139 Indian Circle, read from May 5, 1985, Board of Supervisors' minutes regarding Case No. Z-1-85 and growth in the County.

Discussion was held by the Board, staff, and Mr. Oyer regarding Robert's Rules of Order.

Mr. DePue asked the County Attorney to provide a written response explaining Board's procedures regarding time limits for speakers according to Robert's Rules of Order.

3. Mr. Frank Chipman, 3 Guest House Court, reiterated his request that the Board address tax abatement for the elderly.

J. REPORTS OF THE COUNTY ADMINISTRATOR

Mr. Sanford B. Wanner, Acting County Administrator, announced the ground breaking at James River Commerce Center, Friday, July 26, 1996, to open new economic development area in Roberts District. He recommended the Board recess for a James City Service Authority Board of Directors' meeting, followed by a Board of Supervisors' executive session pursuant to Section 2.1-344(A)(1) of the Code of Virginia to consider a personnel matter including appointment of individuals to County Boards and/or Commissions.

K. BOARD REQUESTS AND DIRECTIVES

Mr. Sisk announced August 13, 1996, would be the only Board of Supervisors' meeting in August.

Mr. DePue publicly expressed his thanks and appreciation for kind remarks from citizens who had spoken to him privately regarding comments made at previous Board meeting.

Mr. Wanner reported that the Association for the Preservation of Virginia Antiquities had submitted a request for \$23,600 for publication of a promotional/education brochure about Project Discovery at Jamestown Island.

Mr. DePue stated that the request would be brought forward when Mr. Magoon was present.

Mr. Sisk declared a recess for a James City Service Authority Board of Directors' meeting at 8:13 p.m.

Mr. Sisk reconvened the Board at 8:16 p.m.

Mr. DePue made a motion to convene into executive session as recommended by the Acting County Administrator.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

Mr. Sisk reconvened the Board at 8:53 p.m.

Mr. DePue made a motion to approve the executive session resolution.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

RESOLUTION

MEETING DATE: July 23, 1996

CERTIFICATION OF EXECUTIVE MEETING

WHEREAS, the Board of Supervisors of James City County, Virginia, (Board) has convened an executive meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Board that such executive meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby certifies that, to the best of each member's knowledge; i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies; and, ii) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Board.

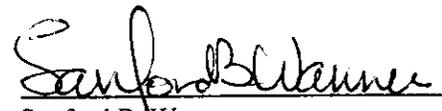
Mr. Sisk made a motion to appoint Martha Hamilton-Phillips and William Meiers to the Historical Commission, to serve unexpired terms, terms expiring August 31, 1997, respectively.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

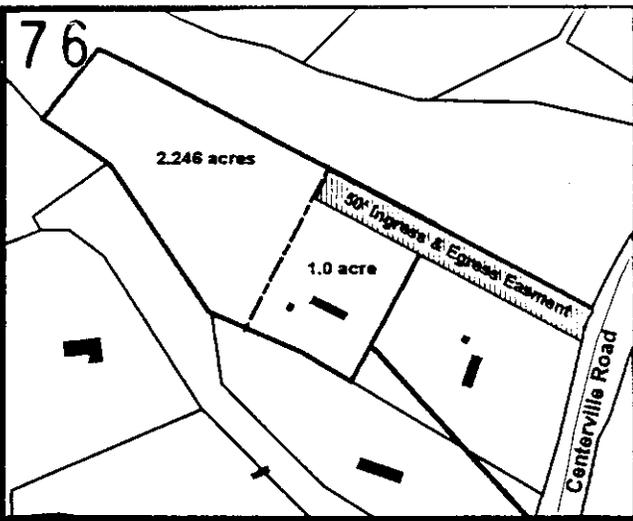
Mr. DePue made a motion to recess until Tuesday, August 13, 1996, at 5:00 p.m. for a work session.

On a roll call, the vote was: AYE: Taylor, DePue, Edwards, Sisk (4). NAY: (0).

The Board recessed at 8:56 p.m.


Sanford B. Wanner
Clerk to the Board

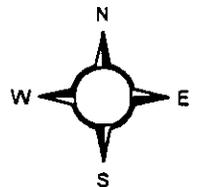
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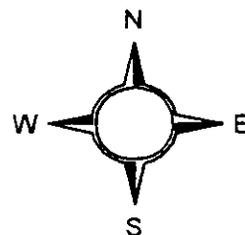


SUP-23-96
 Thompson Family Subdivision





SUP-20-96
 Louise White Marsh
 Replacement Manufactured Home



JUL 23 1996

ORDINANCE NO. 9A-8

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 6, FIRE PROTECTION, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY ADDING ARTICLE III, ADMINISTRATIVE FEES, SECTION 6-11, FALSE ALARMS PROHIBITED; PENALTY.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that effective August 1, 1996, Chapter 6, Fire Protection, is hereby amended and reordained by adding Article III, Administrative Fees, Section 6-11, False alarms prohibited; penalty.

Chapter 6. Fire Protection

Article III. Administrative Fees

Sec. 6-11. False alarms prohibited; penalty.

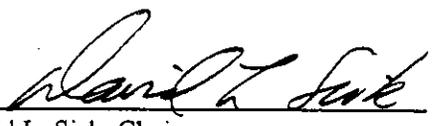
- (a) *It shall be unlawful for any user to send a false alarm.*
- (b) *For each false alarm after three false alarms originating from the same premises within a 30-day period, there is hereby imposed a civil penalty in the amount of \$100.00 for each such false alarm.*
- (c) *The fire chief shall bill each user responsible for the false alarm the appropriate amount of penalty as set forth above. All such penalties shall be paid within 30 days of billing.*

Ordinance to Amend and Reodrain
Chapter 6. Fire Protection
Page 2

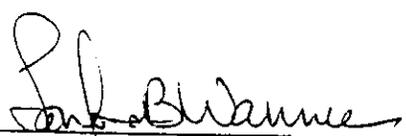
*(d) The penalty set forth in this article shall not apply to any premises equipped with a fire alarm system
sued, owned, or occupied by the Commonwealth of Virginia, its agencies, or political subdivisions, but all the
other provisions including the termination of services, shall apply to them.*

State Law Reference - Authority of County to adopt fire prevention code, Code of Va., Section 27-97.

The effective date of this ordinance shall be August 1, 1996.


David L. Sisk, Chairman
Board of Supervisors

ATTEST:


Sanford B. Wanner
Clerk to the Board

<u>SUPERVISOR</u>	<u>VOTE</u>
TAYLOR	NAY
MAGOON	ABSENT
DEPUE	AYE
EDWARDS	AYE
SISK	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 23rd day of July, 1996.

Ch6FAIm.ord

THIS AGREEMENT AND AGREEMENT FOR DEED OF CORRECTION made this 23rd day of July, 1996, by and between C. C. CASEY LIMITED COMPANY, a Virginia limited liability company, hereinafter designated as "Casey" and the COUNTY OF JAMES CITY, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter designated as "County."

WHEREAS, by deed dated February 1, 1995, recorded in Deed Book 737, page 441, in the Clerk's Office for the City of Williamsburg and County of James City ("the Deed"), Casey conveyed to County a 10 acre \pm tract of property for purposes of constructing thereon a courthouse (the "Northerly Property"); and,

WHEREAS, Casey and County recognize that the Courthouse and Town Plan Competition undertaken by the parties did not select the Northerly Property; and

WHEREAS, Casey and County desire to enter into an agreement concerning certain development issues and an agreement to correct the location of the 10 \pm acre site from the Northerly Property to a site consisting of at least 10 acres ("Southerly Property") located on the southerly side of Monticello Extended as described below.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the mutual covenants set forth herein, Casey and County agree to the following:

1. DEED OF CORRECTION.

Casey shall convey to James City County a site consisting of at least 10 acres in the general shape and form as shown on a drawing entitled "Courthouse, Church and Office Block Study, Scheme D" ("Scheme D"), drawn by Cooper, Robertson and Partners, Architecture Urban Design, ("Southerly Property"), which drawing is attached hereto and made a part hereof.

The parties acknowledge that no metes and bounds description of the Southerly Property exists at the time of this Agreement. A metes and bounds plat of the property shall be prepared no later than January 31, 1997.

2. CIVIC GREEN.

The Civic Green area shown on Scheme D may be sold or gifted to James City County as a permanent green area. If the property is conveyed by Deed of Gift or by Deed of Bargain and Sale, County shall be responsible for the planting and perpetual maintenance of the Civic Green. If the property shown as the Civic Green on Scheme D is not sold or gifted to James City County, Casey agrees to specifically exclude the following uses on this area: Fast Food, Service Station, Convenience Store, Any use with outdoor storage or display.

3. RECORDATION OF DEED OF CORRECTION.

The recordation of the deed of correction shall take place on or before February 28, 1997.

4. PARKING.

Parking shall be as generally depicted in Scheme D. It is the intent of Scheme D to set forth the parking spaces that shall be controlled by each of the three users as follows:

- Courthouse - 600 spaces
- Space A - 210 spaces
- Space B - 160 spaces

Casey and County agree that the entire land quadrant shown on the drawing referred to as Scheme D, shall be developed under a parking agreement, including cross easements, to the users of the parking (Courthouse, Space A, and Space B) allowing transient parking within any lot by any of the three users. If parking patterns develop that negatively impact on the operations of any of the three users for certain days, or portions of certain days,

the user negatively impacted, after consultation with the other users, may begin placing restrictions as to the use of the spaces owned by that user not specifically reserved or assigned herein.

Casey and County further agree that if a church is built on the property adjacent to the Courthouse designated as Space A , Casey shall be assured the use of up to 300 of the Courthouse spaces on Saturday and Sunday and up to 150 of the Courthouse spaces after 6:30 p.m., Monday - Friday. It is understood that this will permit a church with a sanctuary to be built of a size that would be served by 510 spaces under parking provisions of the James City County Code.

5. SHARED ENTRANCE.

It is understood and agreed that there will be only one (1) location on Monticello Avenue Extended and only two (2) locations on Ironbound Road to be shared for ingress and egress to and from Monticello Avenue Extended and to and from Ironbound Road by users of all of the land shown on Scheme D. The exact location of the three (3) shared entrances are not known at this time, however, such ingress/egress locations shall be designated and located on the ground by the parties hereto prior to January 31, 1997. It is understood and agreed that there will be shared access to Monticello Avenue Extended and Ironbound Road for all of the users of the land shown on Scheme D and the land so affected shall be made subject to the appropriate easements and cross easements necessary to accomplish this purpose. It is understood and agreed that the owners of Space C shall not have shared access rights or have the benefit of easements or cross easements to provide for access to Monticello Avenue Extended and Ironbound Road unless the land designated as Space C is zoned the same as Space A, B, and the Courthouse site and that such Space C be developed in conformity and compatible with the development of Space A, B, and the Courthouse site.

6. ROLL-BACK TAXES.

Casey and County acknowledge that the Southerly Property presently lies within an Agricultural-Forestal District. County and Casey agree that, pursuant to §15.1-1513 of the Code of Virginia, 1950, as amended, and the provisions of this agreement, the recordation of the Deed of Correction does not trigger roll-back tax liability to Casey and that the liability for the payment of roll-back taxes shall be the responsibility of the owner of the Southerly Property at such time as the use actually changes.

7. RECORDATION CHARGES.

Casey and County shall equally be responsible for the recordation charges associated with the recording of a deed of correction.

8. PREPARATION OF PLAT.

County agrees to pay the costs of preparing a plat of the Southerly Property.

9. PROPERTY OWNERS ASSOCIATION.

Casey and County agree that if a property owners association is formed as part of the development of the Town Plan, both parties agree to give reasonable consideration to join such an association and to fund same on an equitable basis.

10. COMMUNITY DEVELOPMENT ACT (CDA).

If Casey submits a proposal to County to develop a CDA to assist in the financing of the development of the properties shown on Scheme D, any portion thereof, or the larger Casey tract consisting of approximately 600 acres, County will give reasonable consideration to approving and participating in the CDA.

11. CAPITAL COSTS.

Casey and County agree that certain capital improvements are envisioned that will serve the Courthouse, including but not limited to the following:

Sanitary sewer facilities

Stormwater drainage facilities

Water

Traffic light

Bike paths

Should Casey or CDA install or cause to be installed any of the above or like items, the County shall reimburse Casey or CDA provided:

a. The capital costs shall directly or indirectly benefit the Courthouse project.

b. Prior to Casey or CDA expending any funds for capital costs, written agreement shall be obtained by Casey or CDA from County to determine whether and to what extent County will reimburse Casey or CDA.

c. No such reimbursement shall exceed the cost County would have incurred in having the improvement installed by County or under County's direct supervision.

d. County shall not reimburse Casey for any land cost associated with the above.

12. VIRGINIA POWER PROPERTY.

The parties acknowledge that a portion of the property shown on Scheme D is owned by Virginia Power; the parties further acknowledge that negotiations are on-going between Casey and Virginia Power with the goal of acquisition of that property by Casey. If such acquisition is not completed by August 15, 1996, and a deed recorded reflecting ownership by Casey of the Virginia Power property included in Scheme D on or before August 15, 1996, this agreement may be declared null and void by the County and, if so declared, the County shall commence to have the Courthouse constructed on the Northerly Property.

13. LEASES.

A portion of the Southerly Property is encumbered with hunting and farming leases which must be terminated as to the Southerly Property. The hunting lease will be additionally modified to prohibit hunting within three hundred (300) feet of the Southerly Property. County acknowledges that it has received a copy of the hunting and farming leases.

14. SURVIVAL.

All covenants and agreements of the parties which are intended under this Contract to be performed in whole or in part after the recordation of the deed of correction shall survive such recordation of deed of correction. And further, all covenants and agreements of the parties which were intended under the Contract of Purchase of the parties, dated January 17, 1995, to be performed in whole or in part after the settlement thereunder, shall continue to survive the recording of the deed of correction; provided, however, the two year period in the reversion clause set forth in the Deed and Contract of Purchase dated January 17, 1995, relating thereto, shall not be effective until such time as a Certificate of Occupancy is issued by James City County for the Courthouse.

15. MISCELLANEOUS.

The parties to this Agreement agree that it shall be binding upon them, and their successors and assigns.

WITNESSETH the following signatures:

C. C. CASEY LIMITED COMPANY

By:

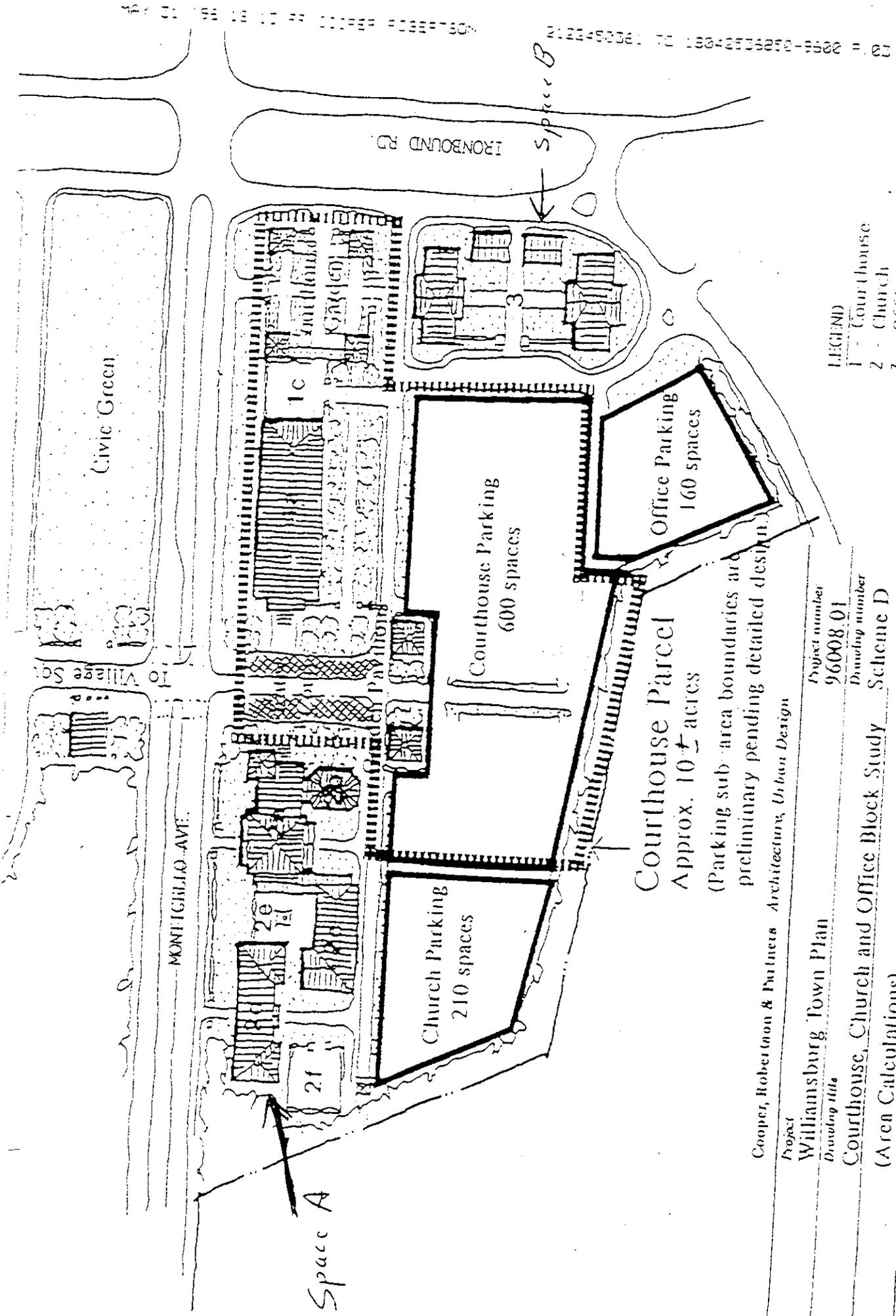
Robert T. Casey

COUNTY OF JAMES CITY, VIRGINIA

By:

David L. Sisk

c:\wp51\casbro90.011\ag3



LEGEND
 1 - Courthouse
 2 - Church
 3 - Offices

Courthouse Parcel
 Approx. 10+ acres

(Parking sub-area boundaries are preliminary pending detailed design.)

Cooper, Robertson & Partners Architecture, Urban Design

Project
 Williamsburg Town Plan
 Drawing title
 Courthouse, Church and Office Block Study
 (Area Calculations)

Project number
 96008-01

Drawing number
 Scheme D

311 West 13 Street
 New York, New York 10016
 Telephone 212 247 1717
 Telex 212 445 0261